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Jury Acquits 2 in B26 Case, Ignores Charges Against CIA

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BUFFALO, N.Y.—Two men accused of illegally exporting seven B26 bombers to Portugal were found not guilty on all counts by a federal court jury here last night.

The foreman of the jury of 10 men and two women said a defense contention that the entire operation had been conducted for the Central Intelligence Agency didn't enter seriously into their deliberations, which went on for a little more than five hours.

Squeals of delight came from the section in the courtroom where friends and relatives of John Richard Hawke, the admitted pilot of the seven planes, and Count Henri Marin de Montmarin, the alleged go-between in the deal, had waited for the verdict.

Immediately afterward De Montmarin, who wears the Legion of Honor for his services as a fighter pilot with the Free French forces during World War II, slipped off into an anteroom and placed a call to his wife and three grown children in Paris, to tell them that he had been freed.

Edward Brodsky of New York, who represented De Montmarin, and Edwin Marger of Miami Beach, Hawke's attorney, had presented distinctively different defenses.

Brodsky contended that his client had no reason to be concerned about the export licenses which are required when arms are shipped out of the country.

Marger attempted, on the other hand, to show that Hawke, a bearded ex-Royal Air Force pilot, thought he was working for the CIA when he flew the seven planes across the Atlantic in the summer of 1965.

Marger's prize witness was Lawrence R. Houston, general counsel of the CIA, who, in an unprecedented court appearance, testified that his agency's sole role in the operation was to learn about it from undisclosed sources and to pass the information on to other government agencies.

Wallace Fox, foreman of the jury, said after the verdict that the jury had been disappointed that Houston's testimony had been sharply limited by Federal District Judge John O. Henderson, but that the jurors had found the two defendants not guilty on the basis of other considerations, quite apart from Marger's theory that the CIA had masterminded the entire operation.

Another of the defendants in the case—Gregory R. Board, a 5-year-old former Australian

fighter pilot who allegedly arranged for the planes to be smuggled out of the country—has not as yet been apprehended.

Board left the United States two days before Hawke and de Montmarin were arrested and the government contends it has not, despite continuing efforts, been able to lay its hands on him since.

U.S. Atty. John T. Curtin, the prosecutor, and the two defense attorneys put much of the blame for the entire affair on Board in their summation to the jury yesterday.

The government had promised in the United Nations that the defendants would be vigorously prosecuted for violation of a prohibition against providing arms to Portugal for use in its African possessions of Angola and Mozambique.